

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1011

United States of America,

Appellee,

v.

Jorge Alfredo Pina-Arellano, also
known as Jorge Alberto Lopez, also
known as Jose Lopez-Gonzalez,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: April 24, 2002
Filed: April 26, 2002

Before LOKEN, BEAM, and RILEY, Circuit Judges.

PER CURIAM.

Jorge Pina-Arellano appeals the sentence imposed by the district court¹ after he pleaded guilty to illegal reentry following deportation, in violation of 8 U.S.C. § 1326(a) and (b)(2). Specifically, Pina contends he was entitled to a downward departure because--as an alien subject to removal--he is subject to a longer and harsher period of incarceration.

¹The HONORABLE ROBERT W. PRATT, United States District Judge for the Southern District of Iowa.

As he concedes, this court rejected his argument in United States v. Cardosa-Rodriguez, 241 F.3d 613, 614 (8th Cir. 2001) (deportable aliens' ineligibility for Bureau of Prisons benefits does not provide basis for downward departure in illegal-reentry cases), and only this court en banc may overrule that decision, see Campbell v. Purkett, 957 F.2d 535, 536 (8th Cir. 1992) (per curiam).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.